

SEP 28 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/831,272	
	Filing Date	08/13/2001	
	First Named Inventor	KIRSCH	
	Art Unit	1633	
	Examiner Name	MARVICH, MARIA	
Total Number of Pages In This Submission	14	Attorney Docket Number	9730-1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	AKERMAN SENTERFITT		
Signature			
Printed name	NICHOLAS A. ZACHARIADES, PH.D.		
Date	SEPTEMBER 28, 2005	Reg. No.	56,712

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	NICHOLAS A. ZACHARIADES, PH.D.	Date	SEPTEMBER 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)


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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/831,272
		Filing Date	08/13/2001
		First Named Inventor	KRSCH
		Examiner Name	MARVICH, MARIA
		Art Unit	1833
		Attorney Docket No.	8730-1
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 120.00			

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-0951 Deposit Account Name: AKERMAN SENTERFITT	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
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<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>							<b>Small Entity</b>
							<b>Fee (\$)</b>
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent							50
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent							200
Multiple dependent claims							360
<b>Total Claims</b>							<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____							<b>Fee Paid (\$)</b>
HP = highest number of total claims paid for, if greater than 20							
<b>Indep. Claims</b>							<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____							<b>Fee Paid (\$)</b>
HP = highest number of independent claims paid for, if greater than 3							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>		<b>Extra Sheets</b>		<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	
- 100 = _____		/ 50 = _____		(round up to a whole number) x _____		<b>Fee Paid (\$)</b>	
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							_____
Other: 1 MONTH EXTENSION OF TIME							120.00

<b>SUBMITTED BY</b>		<b>Registration No.</b> 56,712	<b>Telephone</b> 561-653-5000
<b>Signature</b>		<b>(Attorney/Agent)</b>	<b>Date</b> SEPTEMBER 28, 2005
<b>Name (Print/Type)</b> NICHOLAS A. ZACHARIADES, PH.D.			

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christoph KIRSCH, et al. Confirmation No.: 3234  
Application No.: 09/831,272 Examiner: MARVICH, Maria  
Date Filed: August 13, 2001 Group: 1633  
For: CHIMERIC PROMOTERS CAPABLE OF MEDIATING GENE  
EXPRESSION IN PLANTS UPON PATHOGEN INFECTION AND USES THEREOF

Certificate of Transmission/Mailing

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Nicholas A. Zachariades, Reg. No. 56,712

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement mailed July 28, 2005. This response is being filed with a petition for a one month retroactive of time and the required fee. Although, Applicants believe that no further extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any further extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Amendments to the claims start on page 2.

Remarks/Arguments appear on pages 9-11.

{WP260129;1}